

# EXHIBIT A

EXHIBIT A

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UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH, CENTRAL DIVISION

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APOTHECARY MOVEMENT, LLC, a Utah  
limited liability company,

Plaintiff,

vs.

BH ELEGANT LINENS, LLC dbas AA  
WHOLESALE DEALS and SWIFT  
INNOVATIONS, a New York limited liability  
company,

Defendants.

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**DECLARATION OF ASIF SHAIKH**

Case No.: 2:23cv00845-HCN-DAO  
Judge Howard C. Nielson, Jr.

I, Asif Shaikh, being first duly sworn and having personal knowledge of the matters asserted herein, do hereby declare as follows:

1. I am one of the owners of Apothecary Movement, LLC, the Plaintiff in this case.
2. I am over the age of 18 and competent to testify to the matters herein.
3. Apothecary's Amazon account was deactivated on 23 August 2023 due to Defendant's conduct.

4. In the seven months leading up to the termination of Apothecary's account by Amazon, Apothecary's net revenue (or profit) after considering all expenses such as fees and costs of goods sold was [REDACTED]. (See Profit and Loss, Exhibit 1 hereto).

5. Accordingly, Apothecary's monthly profit in the seven-month period leading up to its Amazon termination was [REDACTED].

6. In my *Declaration* of April 24, 2024, I stated, "Apothecary has lost on average \$169,195 per month in revenue since August 2023." [Doc. 45-1 at ¶ 12]. This is reference to net revenue (or profit) and is consistent with paragraph 32 of the *Complaint*. It is not reference to Apothecary's gross.

7. Despite that Apothecary's Profit and Loss records for the 2023 calendar year leading up to the Amazon termination support a higher computation of monthly losses than what was stated in the *Complaint* and the April 24, 2024, *Declaration*, considering a longer time-period, a more conservative accounting of lost monthly profits was \$169,195. Accordingly, in the interest of fairness, this was the number used in the *Complaint*.

8. My April 24, 2024, *Declaration* and the *Complaint* are consistent and are supported by Apothecary's accounting records. To date, Apothecary has lost more than [REDACTED] in profits due to Defendant's actions.

EXECUTED this 8<sup>th</sup> day of May 2024.

/s/ Asif Shaikh

(\* I certify that I have the signed original of this document which is available for inspection during normal business hours by the Court or a party to this action.

\*Declaration electronically signed, pursuant to U.C.A. § 46-4-201(4) and District of Utah CM/ECF and E-filing guidelines)

# EXHIBIT 1

EXHIBIT 1

CONFIDENTIAL INFORMATION - ATTORNEY'S EYE ONLY

## Apothecary Movement

Profit and Loss

